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as appropriate, and to amend or supplement these objections and responses as appropriate.

The foregoing general objections shall apply to each of the following Requests whether or not restated in the response to any particular response.

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST FOR ADMISSION NO. 1

"The website URL known as www.ecmbiofilms.com ("ECM Website") has been

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Answer: Admitted

REQUEST FOR ADMISSION NO. 2

"Since its creation, the ECM Website has been publically available on the

Internet."

RESPONSE:

Answer: Denied. Denied to the extent that few individuals other than plastics

manufacturers and plastics distributors have accessed the site and none other than plastics

Answer: Denied. ECM objects to the request as argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous, particularly with respect to the terms "inherently biodegradable." Subject to such objections, ECM denies the allegation.

REQUEST FOR ADMISSION NO. 4

"Exhibit CX-00001, "Certificate of Biodegradability of Plastics" is representative of the certificates that ECM provided to at least some of its customers."

RESPONSE:

Answer: Denied: Exhibit CX-00001 is not "representative " Without waiving the

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	documents received by some entities that have purchased products from ECM. ECM
	objects to and denies this Request to the extent that it assumes that ECM insinuated,
	implied marketed or advortized on massage magning and/or particular advortizement
	implied, marketed, or advertised any message, meaning, and/or particular advertisement.
	ECM also objects to the request as argumentative, prejudicial, improper, incorrect, vague,
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REQUEST FOR ADMISSION NO. 6

"The documents that ECM estimated to Federal Trade Commission staff with

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state that they simulate conditions typically found in Landfills."

RESPONSE:

Answer: Denied. Denied also to the extent the Response depends on expert opinion before the time designated for identification of experts and issuance of expert reports. See Scheduling Order, Dkt. No. 9358 (Nov. 21, 2013). Denied also to the extent that what is shown or demonstrated by testing calls for an ultimate legal conclusion; thus, the request is incompetent because it is not a request for admission of fact.

"ECM does not possess or rely on any scientific test that showed, during the course of the test, that 90% or more of the ECM Plastic Biodegraded."

RESPONSE:

Answer: Denied. Based on generally recognized scientific principles, tests relied upon by ECM do support products containing the ECM additive product will degrade above 90%. Denied also to the extent the Response depends on expert opinion before the time designated for identification of experts and issuance of expert reports. *See*

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REQUEST FOR ADMISSION NO. 11

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months to five years on extrapolations of results obtained in tests conducted over periods

less than a year in which the test sample did not completely Biodegrade."

RESPONSE:

Answer: Denied. ECM objects to the request as argumentative, prejudicial,

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depends on expert opinion before the time designated for identification of experts and

issuance of expert reports. See Scheduling Order, Dkt. No. 9358 (Nov. 21, 2013).

Denied also to the extent that what is shown or demonstrated by testing calls for an

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REQUEST FOR ADMISSION NO. 14

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REQUEST FOR ADMISSION NO. 15

"ECM does not possess or rely on any consumer perception evidence supporting how ECM's customers or end-use consumers interpret the phrase 'some period greater than one year."

RESPONSE:

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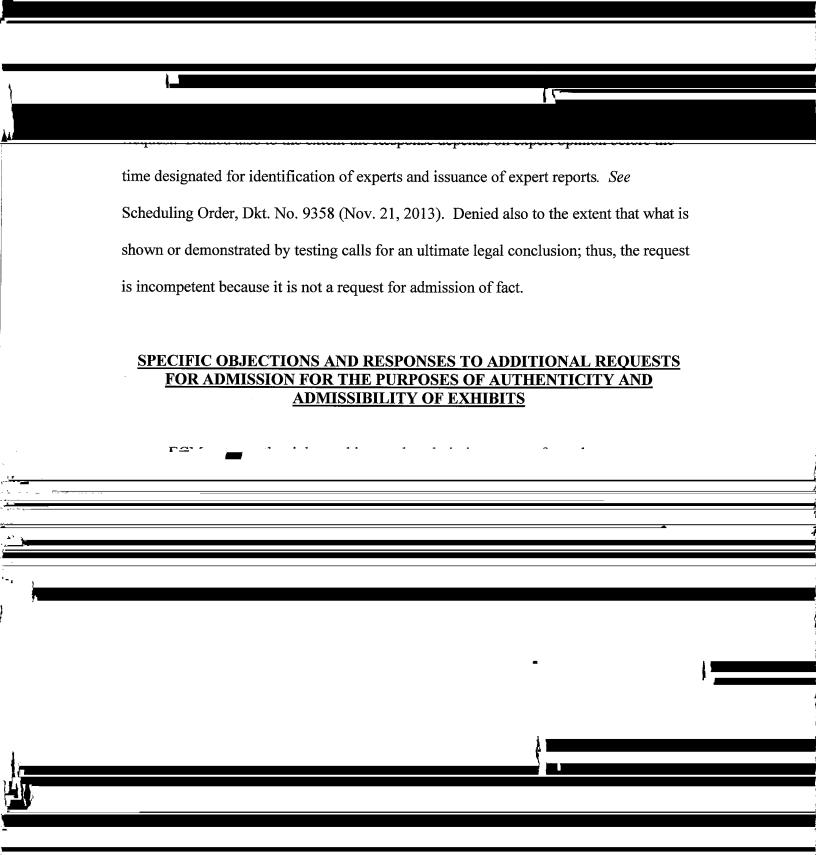
11

Answer: Denied. ECM solely sells its product to plastic product manufacturers and distributor<u>s</u>. not end-use consumers. ECM also objects to the request as

argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous, particularly

with respect to the term "evidence." The Request calls for responsive information related

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	number ECM-FTC-000066. Exhibit CX-00002 is admissible into evidence in this matter	
	under Rule 3.43(e)."	
	RESPONSE:	
	Answer: Admitted.	
	REQUEST FOR ADMISSION NO. 3	
	"Exhibit CX-00003 attached hereto is authentic, genuine, and a true and correct copy	
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2010 until October 2012. Exhibit CX-00003 is admissible into evidence in this matter under

Rule 3.43(b).

	Anowar ECM abjects to the request as symmetrative main lisi- 1.
	miswer. Dem objects to the request as argumentative, prejudicial, improper,
	incorrect, vague, and/or ambiguous, particularly with respect to the terms "promotional
	materials" and "made available." ECM's website www.ecmbiofilms.com did display
	content desisted in Exhibit OV 00001 however and some at the sector of the
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beginning Bates number ECM-FTC-000069. Exhibit CX-00007 is admissible into

Nidonas in this matter under Dula 2 12(-) "

RESPONSE:

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Answer: Admitted.

REQUEST FOR ADMISSION NO. 8

Exhibit CX-00008, attached hereto is authentic, genuine, and a true and correct copy of the "Ecological Assessment of ECM Plastic" by ChemRisk, a service of McLaren/Hart, Inc., Feb. 16, 1999, produced by ECM in response to the FTC Access Letter with beginning Bates number ECM-FTC-000106. ECM also produced a copy of this document with beginning Bates number ECM-FTC-000283. Exhibit CX-00008 is admissible into evidence in this matter under Rule 3.43(e).

RESPONSE:

Under Ca

Answer: Admitted.

REQUEST FOR ADMISSION NO. 9

Exhibit CX-00009, attached hereto is authentic, genuine, and a true and correct copy of the Final Report by O.W.S. Inc. of Biodegradation Testing, "Aerobic Biodegradation

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REQUEST FOR ADMISSION NO. 10

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	RESPONSE:
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	"Fyhihit CX-00013 attached harato is authantia convine and a true and a correct
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	Access Letter with beginning Bates number ECM-FTC-000226. Exhibit CX-00015 is
	admissible into evidence in this matter under Rule 3.43(e)."
	RESPONSE:
	Answer: Admitted.
	REQUEST FOR ADMISSION NO. 16

"Exhibit CX-00016, attached hereto is authentic, genuine, and a true and correct

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of the Standard Test Method for Determining Anaerobic Biodegradation of Plastic Materials Under High-Solids Anaerobic-Digestion Conditions, ASTM D 5511 – 11."

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RESPONSE:

Answer: Admitted.

REQUEST FOR ADMISSION NO. 19

"Exhibit CX-00019, attached hereto is authentic, genuine, and a true and correct copy of the Standard Test Method for Determining Anaerobic Biodegradation of Plastic Materials Under High-Solids Anaerobic-Digestion Conditions, ASTM D 5511 - 12."

RESPONSE:

Answer: Admitted.

REQUEST FOR ADMISSION NO. 20

11808 Wolf Run Lane

Clifton, VA 20124 Telephone: 202-466-6937 Facsimile: 202-466-6938 Email: jemord@emord.com

CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I hereby certify that on December 11, 2013, I caused a true and correct copy of the paper original of the foregoing **RESPONDENT'S ANSWERS TO COMPLAINT COUNSEL'S FIRST REQUEST FOR ADMISSIONS** to be filed and served as follows:

One electronic copy to the Office of the Secretary:

Federal Trade Commission 600 Pennsylvania Ave NW Room H-159

Email: secretary@ftc.gov

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One electronic courtesy copy via email to the Office of the Administrative Law Judge:

The Honorable D. Michael Chappell Administrative Law Judge 600 Pennsylvania Ave., NW, Room H-110 Washington, D.C. 20580

One electronic copy to Counsel for Complainant:

Katherine Johnson Division of Enforcement Bureau of Consumer Protection Federal Trade Commission 600 Pennsylvania Avenue, NW Mail stop M-8102B Elisa Jillson Division of Enforcement Bureau of Consumer Protection Federal Trade Commission 600 Pennsylvania Avenue, NW Mail stop M-8102B

	<u>VERIFICATION</u>
	I, Robert Sinclair, declare as follows:
	Lhave read to the foregoing document entitled Despendentie Annual Control of the foregoing document entitled Despendentie
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